

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Aaron D. Cherry,

Case No. 24-CV-3951 (JMB/TNL)

Plaintiff,

v.

**ORDER**

Hennepin County ADC, Petrode, Morad,  
Sarsfield, and Montean,

Defendants.

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**IT IS HEREBY ORDERED THAT:**

1. The application to proceed *in forma pauperis* of Plaintiff Aaron D. Cherry [ECF No. 2] is **GRANTED**. Based on Cherry’s submitted information [see ECF No. 13], the Court finds that he has “no assets and no means by which to pay [an] initial partial filing fee.” 28 U.S.C. § 1915(b)(4).

2. Cherry must submit a completed Marshal Service Form (Form USM-285) for each defendant. If he fails to return the forms within 30 days of this Order’s date, the Court will recommend dismissing this matter without prejudice for failure to prosecute. The Court will provide Marshal Service Forms to Cherry.

3. After receiving the completed Marshal Service Forms, the Clerk of Court is directed to seek waiver of service from Defendants Petrode, Morad, Sarsfield, and Montean—as sued in their individual capacities—consistent with Rule 4(d) of the Federal Rules of Civil Procedure.

4. If a defendant fails without good cause to sign and return a waiver within 30 days of its mailing, the Court will require that defendant to pay the expenses incurred in effecting service of process. Absent a showing of good cause, reimbursement of service costs is mandatory in all cases where a defendant does not sign and return a waiver of service form. *See* Fed. R. Civ. P. 4(d)(2).

5. The U.S. Marshals Service is directed to effect service of process on Defendant Hennepin County ADC, as well as Defendants Petrode, Morad, Sarsfield, and Montean—as sued in their official capacities with the State of Minnesota—consistent with Rule 4(j) of the Federal Rules of Civil Procedure.

Dated: December 18, 2024

*s/Tony N. Leung*

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Tony N. Leung  
United States Magistrate Judge

*Cherry v. Hennepin County ADC*  
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